

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Tonny Horne,

Plaintiff,

Case No. 15-10558

v.

Judith E. Levy

United States District Judge

Daniel Heyns,

Defendant.

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**ORDER DENYING PLAINTIFF'S MOTION  
FOR APPOINTMENT OF COUNSEL [28]**

On February 12, 2015, Plaintiff Tonny Horne filed this pro se civil rights action against Defendant Daniel Heyns pursuant to 42 U.S.C. § 1983. (ECF No. 1.) On May 19, 2015, Defendant filed a motion for summary judgment. (ECF No. 11.) Plaintiff did not file a response. On December 10, 2015, Magistrate Judge Mona K. Majzoub issued a Report and Recommendation (the “R & R”) recommending that the Court grant Defendant’s motion. (ECF No. 17.) Plaintiff timely filed objections to the R&R. (ECF No. 18.) On January 15, 2016, the Court adopted the R & R, granted Defendant’s motion, and dismissed the case with prejudice. (ECF

No. 19.) Plaintiff filed a timely notice of appeal. (ECF No. 21.) On October 3, 2016, the United States Court of Appeals for the Sixth Circuit dismissed the appeal for want of prosecution. (ECF No. 27.)

On January 11, 2023, Plaintiff filed a motion for appointment of counsel. (ECF No. 28.) Plaintiff seeks the appointment of counsel to assist him in effectively litigating this case. The Court has discretion to determine whether counsel should be appointed in a civil case. *Garrison v. Michigan Department of Corrections*, 333 F. App'x 914, 917 (6th Cir. 2009). Plaintiff's case was dismissed, and the case was closed approximately seven years ago. No case or controversy remains pending before the Court. As such, there is no basis for appointing counsel in this matter. Accordingly, Plaintiff's motion for appointment of counsel is DENIED.

IT IS SO ORDERED.

Dated: January 20, 2023  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 20, 2023.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager